

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: April 11, 2006

Cancellation No. 92045160  
Cancellation No. (92045166)

EARTHLITE MESSAGE TABLES,  
INC.

v.

LIFEGEAR, INC.

Thomas W. Wellington,  
Interlocutory Attorney:

Consolidation

The Board has reviewed each of the above identified cancellation ion proceedings. Each cancellation involves the same parties and at least some of the same questions of law and fact. When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. Such consolidation may be ordered on the Board's own initiative. See Fed. R. Civ. P. 42(a); *Regatta Sports Ltd. v. Telux-Pioneer, Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); and TBMP Section 511.

Accordingly, Cancellation Nos. 92045160 and 92045166

are hereby consolidated and may be presented on the same record and briefs. (The record will be maintained at the Board in **Cancellation No. 92045160** as the "parent" case, but all papers filed in these cases should include the two proceeding numbers in ascending order.)

Suspension

By way of a Board order dated April 9, 2006, proceedings were previously suspended in cancellation proceeding no. 92045166 pending resolution of a civil action. **Accordingly, proceedings are now suspended in both consolidated proceedings.** However, as we noted in the order, there is a pending motion in the civil action to suspend matters pending the outcome of The consolidated Board proceedings. Should the District Court grant said motion, the parties should so inform the Board and proceedings herein will be resumed. Otherwise, within twenty days after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.